

STATE OF MICHIGAN  
COURT OF APPEALS

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ROBERT L. BOILORE,

Plaintiff-Appellee,

v

DEBORAH A. BOILORE,

Defendant-Appellant.

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UNPUBLISHED

March 2, 1999

No. 201112

Kent Circuit Court

LC No. 95-001241 DM

Before: McDonald, P.J., and Hood and Doctoroff, JJ.

MEMORANDUM.

Defendant appeals by leave granted from a January 16, 1997 post-judgment order in this divorce action, terminating post-minority child support for the parties' son effective June 10, 1996. We affirm.

On appeal, defendant contends that the trial court's order terminating child support constitutes a retroactive modification of child support in violation of MCL 552.603; MSA 25.164(3), to the extent that it retroactively terminates plaintiff's child support obligation for periods prior to the October 18, 1996 filing date of plaintiff's motion to terminate child support, i.e., the period between June 10, 1996 and October 18, 1996. We disagree. Subsection (2) of MCL 552.603; MSA 25.164(3) only restricts retroactive modifications of "a support payment due under a support order." Here, the trial court found that the preconditions of the preexisting order for post-minority child support were never met, and therefore the preexisting provisions for post-minority child support were not legally effective. We defer to the trial court's discretion in interpreting the terms of the preexisting support order. See *Greene v Greene*, 357 Mich 196, 202-203; 98 NW2d 519 (1959).

In effect, the trial court found that no post-minority child support was actually due under the terms of the preexisting support order. If plaintiff's prior support payments were not actually "due" under the terms of any support order, it follows that the statutory restrictions on retroactive

modifications of “a support payment due under a support order,” do not apply.

Affirmed.

/s/ Gary R. McDonald

/s/ Harold Hood

/s/ Martin M. Doctoroff